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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-578*

13 **KATHLEEN ELIZABETH REYNOLDS, aka**  
14 **KATHLEEN ELIZABETH SHEPHERD**

15 3500 Bullock Lane, Apt. 22  
San Luis Obispo, CA 93401

**A C C U S A T I O N**

16 Registered Nurse License No. 386915

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs (Board).

22 2. On or about July 31, 1985, the Board issued Registered Nurse License No. 386915 to  
23 Kathleen Elizabeth Reynolds, aka Kathleen Elizabeth Shepherd (Respondent). The Registered  
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on May 31, 2013, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1       "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
2 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice  
3 Act] or regulations adopted pursuant to it.

4       .....

5       "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
6 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
7 conclusive evidence thereof. . . ."

8       8.     Section 2762 states, in pertinent part:

9       "In addition to other acts constituting unprofessional conduct within the meaning of this  
10 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
11 chapter to do any of the following:

12       .....

13       "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
14 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
15 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
16 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
17 ability to conduct with safety to the public the practice authorized by his or her license.

18       "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
19 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
20 or the possession of, or falsification of a record pertaining to, the substances described in  
21 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
22 thereof. . . ."

23       9.     Section 2764 provides that the expiration of a license shall not deprive the Board of  
24 jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision  
25 imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an  
26 expired license at any time within eight years (8) after the expiration.

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1 **REGULATORY PROVISIONS**

2 10. California Code of Regulations, title 16, section 1444 states, in pertinent part:

3 "A conviction or act shall be considered to be substantially related to the qualifications,  
4 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
5 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
6 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

7 (a) Assaultive or abusive conduct . . .

8 . . . .

9 (c) Theft, dishonesty, fraud, or deceit. . . .

10 **COST RECOVERY**

11 11. Section 125.3 provides that the Board may request the administrative law judge to  
12 direct a licensee found to have committed a violation or violations of the licensing act to pay a  
13 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

14 **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

15 12. Oxycodone<sup>1</sup> is a synthetic opioid analgesic and a schedule II controlled substance  
16 pursuant to Health and Safety Code section 11055(b)(1) and a dangerous drug pursuant to  
17 Business and Professions Code section 4022.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Conviction of a Substantially Related Crime)**

20 13. Respondent is subject to disciplinary action under sections 490 and 2761,  
21 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that  
22 on or about October 7, 2009, Respondent was convicted of a crime substantially related to the  
23 qualifications, functions or duties of a registered nurse which to a substantial degree evidences

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25 \_\_\_\_\_  
26 <sup>1</sup> Oxycodone is a synthetic opioid analgesic commonly prescribed for acute and chronic  
27 pain. It is a potent opiate that can cause intense euphoria, relaxation, and sedation. Its analgesic  
28 properties are similar to those of morphine. The primary adverse (toxic) effect is respiratory  
depression, but others include apnea, respiratory arrest, circulatory depression, hypotension, and  
shock.

1 her present or potential unfitness to practice in a manner consistent with the public health, safety,  
2 or welfare. The circumstances of the conviction are as follows:

3 a. On or about October 7, 2009, after pleading nolo contendere, Respondent was  
4 convicted of one misdemeanor count of violating Business and Professions Code section 4059(a)  
5 [unauthorized furnishing of controlled substances] in the criminal proceeding entitled *The People*  
6 *of the State of California v. Kathleen Elizabeth Reynolds* (Super. Ct. San Luis Obispo County,  
7 2009, No. M000434165). The Court placed Respondent on 39 months probation. On or about  
8 July 17, 2011, the Court dismissed the action pursuant to Penal Code section 1203.4.

9 b. The circumstances underlying the conviction are that on or about December 25, 2008,  
10 Respondent admittedly gave her neighbor four (4) tablets of 15mg Oxycodone without the  
11 neighbor having a valid prescription. On or about December 26, 2008, Respondent's neighbor  
12 died due to complications and sleep apnea. Respondent admitted that if she had known her  
13 neighbor had sleep apnea, she would not have given him the Oxycodone.

#### 14 **SECOND CAUSE FOR DISCIPLINE**

##### 15 **(Conviction Involving Controlled Substances)**

16 14. Respondent is subject to disciplinary action under sections 2761, subdivision (a),  
17 and 2762, subdivision (c), on the grounds of unprofessional conduct, in that on or about  
18 October 7, 2009, Respondent was convicted of a crime involving Oxycodone, a controlled  
19 substance and dangerous drug, without a valid prescription. Complainant refers to and by this  
20 reference incorporates the allegations set forth above in paragraph 13, subparagraphs a and b,  
21 inclusive, as though set forth fully.

#### 22 **THIRD CAUSE FOR DISCIPLINE**

##### 23 **(Dangerous Use of Controlled Substances)**

24 15. Respondent is subject to disciplinary action under sections 2761, subdivision (a),  
25 and 2762, subdivision (b), in that on or about December 25, 2008, Respondent used Oxycodone, a  
26 controlled substance, to an extent or in a manner dangerous or injurious to herself or others.  
27 Complainant refers to and by this reference incorporates the allegations set forth above in  
28 paragraphs 13 and 14, inclusive, as though set forth fully.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct / Violate Nursing Practice Act)**

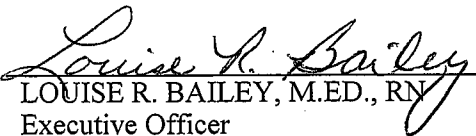
3 16. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and  
4 / or (d), in that Respondent committed acts of unprofessional conduct and / or acts violating the  
5 Nursing Practice Act. Complainant refers to and by this reference incorporates the allegations set  
6 forth above in paragraphs 13 - 15, inclusive, as though set forth fully.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board issue a decision:

- 10 1. Revoking or suspending Registered Nurse License No. 386915, issued to Kathleen  
11 Elizabeth Reynolds, aka Kathleen Elizabeth Shepherd;
- 12 2. Ordering Kathleen Elizabeth Reynolds to pay the Board the reasonable costs of the  
13 investigation and enforcement of this case, pursuant to section 125.3; and
- 14 3. Taking such other and further action as deemed necessary and proper.
- 15
- 16

17 DATED: JANUARY 19, 2013

18   
19 LOUISE R. BAILEY, M.ED., RN  
20 Executive Officer  
21 Board of Registered Nursing  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

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